

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 94-114
NPDES PERMIT NO. CA0038491

REISSUING WASTE DISCHARGE REQUIREMENTS FOR:

CITY OF ALBANY
BYPASS OR OVERFLOW FROM SANITARY SEWERS
ALBANY
ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region
(hereinafter called the Board) finds that:

1. The City of Albany, hereinafter called the discharger, submitted a report of waste discharge dated April 5, 1994, for reissuance of NPDES Permit No. CA0038491.
2. The discharger is presently regulated by Board Order No. 89-151 and discharges untreated domestic and industrial wastewater from its sanitary sewer collection system as a result of bypasses or overflows. These overflows and bypasses occur when sewer capacity is exceeded as a result of inflow and/or infiltration of rain water. The discharges contain pollutants, and occur at several locations within the sanitary sewer system tributary to the East Bay Municipal Utility District, Special District No. 1 (EBMUD) interceptor sewers. Most of the overflows pass up through manhole covers into streets, or other public places and in some places, overflows occur on private properties. All these flows bypass treatment and ultimately run downhill to creeks and Central San Francisco Bay, all waters of the United States.
3. Excessive Infiltration/Inflow of rainwater also forces the EBMUD's interceptors to bypass treatment facilities and to overflow at one or more of six shoreline locations approximately 10 times each year. These overflows contain pollutants and discharge into San Leandro Creek and Elmhurst Creek which are tributary to San Leandro Bay, and Temescal Creek and Cerrito Creek, which are tributary to Central San Francisco Bay.
4. The Board issued a separate NPDES permit to EBMUD requiring elimination of untreated overflows from its interceptor system to protect water quality in San Francisco Bay. The Board also issued a separate Order requiring EBMUD to cease and desist discharging wet weather overflows from its interceptor system which is also in violation of the requirements prescribed in an NPDES permit.
5. In 1980, the discharger, the Cities of Alameda, Berkeley, Emeryville, Oakland, Piedmont, Stege Sanitary District, and EBMUD initiated the 6-year East Bay

Infiltration/Inflow (I/I) Study to develop recommendations which outlined long range sewer improvement programs and compliance plans for each community. The \$16.5 million I/I Study was funded under the Clean Water Grant Program with state and federal support paying about 87.5% of the costs. The compliance plans dated October 8, 1985, proposed a 20-year plan to implement the East Bay Infiltration/Inflow Correction Program (ICP) to eliminate wet weather overflows from the communities' sanitary sewer system. The total program cost was estimated at \$304.4 million (1985 dollars).

6. On October 20, 1993, the Board adopted an Order (Order No. 93-134) requiring the discharger and the Cities of Alameda, Berkeley, Emeryville, Oakland, Piedmont, and Stege Sanitary District to cease and desist discharging waste from their sewer systems contrary to requirements prescribed in order nos. 89-150, 89-151, 89-152, 89-153, 89-154, 89-155, all NPDES permits, and contrary to the requirements of the San Francisco Bay Basin Plan and the Porter-Cologne Water Quality Act. The cease and desist order incorporates the revised compliance plans (dated October 1993) for the communities' I/I Correction Program (ICP), which includes revisions and extensions to the compliance plan schedules for sewer improvements.

The design goal of ICP is to eliminate overflows from the communities' and EBMUD's collection system unless rainfall exceeded a 5-year design storm event. The occurrence of overflows and bypasses will decrease as the communities' ICPs are implemented. However, overflows and bypasses may continue to occur for events less than the 5-year design storm until both the communities' and EBMUD's programs are completed.

7. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on December 17, 1986. The Basin Plan contains water quality objectives and beneficial uses for San Francisco Bay and contiguous waters as well as the Board's recommended approach to control the seasonal degradation of water quality which results from wet weather overflows of wastewater from collection, conveyance (e.g., interceptors), and treatment facilities. The Basin Plan allows for exceptions for wet weather discharges such as the discharges where an inordinate financial burden would be placed upon the discharger relative to beneficial uses protected and an equivalent level of environmental protection can be achieved by alternate means.
8. The Beneficial uses identified in the Basin Plan for Central San Francisco Bay are as follows:
 - Industrial Service Supply
 - Navigation
 - Water Contact Recreation
 - Non-contact Water Recreation
 - Ocean Commercial and Sport Fishing
 - Wildlife Habitat
 - Preservation of Rare and Endangered Species
 - Fish Migration
 - Fish Spawning

- Shellfish Harvesting
 - Estuarine Habitat
9. EBMUD has an approved EPA Local Pretreatment Program for source control and application of pretreatment standards that regulates the industrial and commercial discharges in the discharger's community to the collection system and EBMUD's main treatment plant. This program, while aimed at year-round source control, will also reduce the concentrations of trace metals and toxic organic compounds in wet weather discharges from the interceptor system. The local pretreatment program is regulated under NPDES Permit No. CA0037702.
 10. This order serves as an NPDES Permit, revision of which is exempt from the provisions of Chapter 3 (commencing with Section 21100 of Division 13) of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.
 11. The discharger and interested agencies and persons have been notified of the Board's intent to revise the NPDES permit for this discharge and have been provided an opportunity to submit their written comments and appear at the public hearing.
 12. The Board at a properly-noticed public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. Discharge of dry-weather wastewater from the wet-weather overflow or bypass structures is prohibited.
2. Discharge of untreated wastewater to waters of the State, regardless of dilution provided is prohibited. This includes bypasses or overflows of untreated sanitary sewage into storm sewers.

B. Provisions

1. The discharge of pollutants shall not create a nuisance as defined in the California Water Code.
2. Order No. 89-151 remains in effect for purpose of enforcement of Cease and Desist Order No. 93-134. For all other purposes, this order supersedes requirements prescribed by Order No. 89-151.
3. The discharger shall comply with all sections of this Order immediately upon adoption.

4. The discharger shall comply with all items of the attached "Standard Provisions and Reporting Requirements" dated August 1993 with the exception of items A.12., B., C., D.2., D.3., E.5., E.6.d(2)., E.6.c., and F.5.
5. This Order expires September 21, 1999. The discharger must file a report of waste discharge in accordance with Title 23, Division 3, Chapter 9 of the California Code of Regulations not later than 180 days before this expiration date as application for reissuance of waste discharge requirements.
6. This Order shall serve as a National Pollutant Discharge Elimination System (NPDES) Permit pursuant to Section 402 of the Clean Water Act or amendments thereto, and shall become effective 10 days after the date of its adoption provided the Regional Administrator, Environmental Protection Agency, has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, On September 21, 1994.



STEVEN R. RITCHIE
Executive Officer

Attachments:

Standard Provisions and Reporting Requirements,
August 1993